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E-File: February 27, 2012

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**UNITED STATES BANKRUPTCY COURT**

10

**DISTRICT OF NEVADA**

11

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In re:

13

THE RHODES COMPANIES, LLC, aka  
 "Rhodes Homes, et al.",<sup>1</sup>  
 Debtors.

14

Affects:

15

All Debtors  
 Affects the following Debtor(s):

16

Bravo, Inc. 09-14825

Case No.: BK-S-09-14814-LBR  
 (Jointly Administered)

Chapter 11

**DECLARATION OF JUSTIN H. BELL**  
**IN SUPPORT OF REPLY OF THE**  
**REORGANIZED DEBTORS TO THE**  
**UNITED STATES' PRE-TRIAL BRIEF**

Trial Date: March 5, 2012

Trial Time: 9:30 a.m.

Courtroom 1

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<sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

**DECLARATION OF JUSTIN H. BELL IN SUPPORT OF REPLY OF THE  
REORGANIZED DEBTORS TO THE UNITED STATES' PRE-TRIAL BRIEF**

3 I, Justin H. Bell, declare as follows:

4       1. I am an attorney at law admitted to practice in the State of New York and in the  
5 United States District Court for the Southern District of New York. I have filed an application to  
6 appear *pro hac vice* in this matter. I am a member of the firm of Akin Gump Strauss Hauer &  
7 Feld, LLC (“Akin Gump”), which maintains offices at One Bryant Park, New York, New York  
8 10036.

9       2. I make this declaration in support of *Reply of the Reorganized Debtors to the*  
10      *United States' Pre-Trial Brief*, submitted herewith (the “Reply”). Capitalized terms used but not  
11      defined herein shall have the meanings and definitions ascribed to them in the Reply.

12       3. Attached hereto as Exhibit A is a true and correct copy of excerpts from the  
13 Transcript of the Deposition of Dean Griffith, dated Feb. 9, 2012.

14       4. Attached hereto as Exhibit B is a true and correct copy of excerpts from the  
15 Transcript of the Deposition of James Garner, dated Jan. 18, 2012.

16           5. Attached hereto as Exhibit C is a true and correct copy of excerpts from the  
17 Transcript of the Deposition of Marlene Marcus, dated Jan. 18, 2012.

18       6. Attached hereto as Exhibit D is a true and correct copy of excerpts from the  
19 Transcript of the Deposition of Pamela Garner, dated Jan. 18, 2012.

20           7. I declare under penalty of perjury under the laws of the United States of America  
21 that the foregoing is true and correct.

Executed this 27th day of February, 2012 at New York, New York.

/s/ Justin H. Bell  
Justin H. Bell

# Exhibit A

1 IN THE UNITED STATES BANKRUPTCY COURT  
2 FOR THE DISTRICT OF NEVADA  
3

4 In re:

5 THE RHODES COMPANIES, LLC, aka  
6 Rhodes Homes, et al.,

7 BK-S-09-14814 LBR  
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Debtors.

DEPOSITION OF DEAN GRIFFITH

Las Vegas, Nevada

Thursday, February 9, 2012

Volume I

Reported by:

ALLYSON W. HARRIS

NV CCR No. 740

Job No. 13473

PAGES 1 - 83

1 Las Vegas, Nevada; Thursday, February 9, 2012  
2 9:00 a.m.

3 (Counsel stipulated to waive the reporter  
4 requirements under FRCP Rule 30(b)(5)(A).)

5  
6 DEAN GRIFFITH,

7 having been administered an oath, was examined and  
8 testified as follows:

9  
10 EXAMINATION

11 BY MR. WATSON:

12 Q Could you state for the name -- for the  
13 record, please, your full name.

14 A Dean Lee Griffith.

15 Q And home address or business address?

16 A Home address is 7540 Red Cinder Street,  
17 Las Vegas, Nevada 89131.

18 Q Okay. Mr. Griffith, have you had your  
19 deposition taken before?

20 A Yes.

21 Q About how many times?

22 A Three.

23 Q Okay. I'm sure you're familiar with all the  
24 ground rules, so I'll just go over them quickly, if  
25 that's okay with you.

1 Q And those hourly employees were permanent  
2 employees of Bravo?

3 A Correct.

4 Q And they worked for Bravo 40 hours a week?

5 A Correct.

6 Q Okay.

7 A Or less.

8 Q Or less, depending on the work. And then  
9 there was another segment of employees that was  
10 responsible for doing the piecework portion of the  
11 work?

12 A Correct.

13 Q And those employees, were those workers,  
14 were they paid hourly as well?

15 A No. They were paid piece price.

16 Q So if they -- and you said that was done by  
17 feet, by how much --

18 A Square footage.

19 Q -- how much square footage they framed in a  
20 particular day?

21 A Right.

22 Q So if I framed a hundred square feet and  
23 Abid framed 150 --

24 A Times 28 cents. At that time it was 28  
25 cents a square foot.

1 Q All right. So and that was just pure square  
2 foot -- that was just a pure piecework calculation.

3 A Right.

4 Q And who were they supervised by?

5 A They were supervised by -- we call them  
6 pimps, but they're -- Hispanics pimps, but they were  
7 like -- they would control -- like Ismael Curiel did  
8 certain things. Maximino Mato did certain things,  
9 Andres Nunez did certain things, you know. They  
10 had -- there was a foreman for almost every phase.  
11 Like layout was Maximino Mato. Framing was Andres,  
12 and then the majority of the joist stack and sheeting  
13 was Ismael Curiel, and then they had Joaquin that was  
14 the sheeter and nailer --

15 Q So are these --

16 A -- and they would run -- those were the  
17 contacts to get manpower from -- and they all were --  
18 at that time they were all on Robert Kahre's payroll.

19 Q Okay. Before they went on Mr. Kahre's  
20 payroll, were they on Bravo's payroll?

21 A Correct.

22 Q And the foremen that you just mentioned  
23 let's take, for example, the layout person.

24 A Maximino Mato.

25 Q Okay. Was his sole responsibility to

1 three. The only one I would be concerned with is the  
2 third page, this page here (indicating).

3 Q All right.

4 A It has the total amount.

5 Q And who prepared that document, the third  
6 page?

7 A Union Pacific prepared all this.

8 Q All right. So Union Pacific would prepare  
9 page 3 which starts, "Bravo, Inc.," for example, on  
10 the page we're looking at here, page 3, September 22,  
11 2000, okay?

12 A Uh-hmm.

13 Q And then the words "Group 1" appears and is  
14 that "Yokeen"?

15 A "Wah keen."

16 Q Joaquin. And do you know who Joaquin is?

17 A Yeah, Joaquin was the foreman for  
18 Union Pacific that did all the plywood sheeting and  
19 nailing.

20 Q And you said he was a foreman for  
21 Union Pacific?

22 A Correct.

23 Q Did Joaquin ever work for Bravo?

24 A Yes.

25 Q And when did he work for Bravo?

1 A Prior to Union Pacific.

2 Q So is it fair to say that the day before the  
3 Union Pacific/Bravo contract was signed, Joaquin was a  
4 Bravo employee?

5 A Correct.

6 Q And then the day after it was signed, your  
7 testimony is that he was then a --

8 A Union Pacific.

9 Q -- Union Pacific employee.

10 And do you know where -- who was responsible  
11 for paying Joaquin's wages?

12 A Union Pacific.

13 Q Was he wages or salary?

14 A No, those are the pieceworkers. They're all  
15 pieceworkers.

16 Q Okay. But Joaquin himself, was he --

17 A He was a pieceworker.

18 Q He was a pieceworker.

19 A He took a percentage. All the Group 1,  
20 Group 2, Group 3 people took percentages off of their  
21 phase of what they did on the home.

22 Q All right. So Joaquin was, the day before  
23 the Union Pacific contract was filed, was a Bravo  
24 employee, correct?

25 A Correct.

1 much work they had to do, and this is the amount of  
2 piece prices or the amount that's owed to the -- you  
3 know, to the overall cost, you know, to the overall  
4 what they did for that week.

5 Q So for Mr. Contreras, then, in the first  
6 group on the first line there's a 1068 number, that's  
7 \$1,068?

8 A I would say that's correct, yeah.

9 Q Now, did you see this document on a weekly  
10 basis, this document that we're looking at now, page  
11 3?

12 A Yes.

13 Q Or a similar document.

14 A Yes.

15 Q And that's your signature that appears  
16 there?

17 A Yeah.

18 Q Who was responsible for preparing the  
19 document?

20 A Union Pacific.

21 Q And who was -- do you know who in  
22 Union Pacific prepared the document?

23 A Ismael Curiel is the one that worked with  
24 Union Pacific to come up with all these numbers.

25 Q And who is Ismael, is that Smiley?

1 A Yes.

2 Q So Smiley worked with Union Pacific to come  
3 up with the numbers. And what would Smiley do? Just  
4 explain the process to me. You get to the end of the  
5 work week, which I assume is Friday. How do the  
6 pieceworkers get paid? First, how is their time  
7 reported into -- how is it reported and to who is it  
8 reported?

9 A Well, what they would do is they would give  
10 me a list of different things they did on each home,  
11 and each thing has a price, and I would have to -- he  
12 would say, "I'm going to turn this in for X amount of  
13 dollars, turn this in for X amount of dollars, turn  
14 this in for X amount of dollars." He's not putting  
15 any names to that amount of money until he does this  
16 (indicating).

17 Q All right. So --

18 A But all I do is I check to make sure that  
19 dollar amount, that dollar amount, that -- all that  
20 dollar amount adds up to what he's turning in.

21 Q So and when you say "he" do you mean Smiley?

22 A Yes. Smiley -- Joaquin would turn his time  
23 in.

24 Q Oh, I see.

25 A Smiley would turn his time in, Andres would

1 turn his time in and then I would approve it and then  
2 they would create this (indicating).

3 Q All right. So they would turn their time in  
4 to you, correct?

5 A They'd turn it -- yeah, they'd turn --  
6 they'd bring it into the office and I go through it  
7 all and we input -- I input it on a spreadsheet, you  
8 know, how much they're turning in so they don't  
9 overdraw on each house. And then when -- you know, if  
10 it's calculating out right, and then I'll approve  
11 it.

12 Q So the team -- these group leaders would  
13 bring that information to you.

14 A Correct.

15 Q Not to the foreman.

16 A No, they would bring it into the office.

17 Q And then you would input it on a  
18 spreadsheet.

19 A Correct.

20 Q On a computer presumably.

21 A Uh-hmm.

22 Q And you wouldn't at that time have the  
23 individual names. You would just have a total number.

24 A Correct.

25 Q So on this page 3, if I'm following you, in

1 Group 3, Andres, since I can do the math on that one,  
2 he would have come in and said, "I've got \$1844 I'm  
3 going to turn in for framing this week."

4 A Correct.

5 Q And then would you put that on the overall  
6 spreadsheet.

7 A Correct.

8 Q And then who was responsible for creating  
9 this document that listed the individual names and  
10 individual amounts to each of those?

11 A Andres.

12 Q For his group he would create that?

13 A Correct.

14 Q And who would he turn that in to to create  
15 this master list?

16 A Well, he would give it to Smiley.

17 Q So Andres would take his number and his  
18 individuals and give that information to Smiley.

19 A Correct.

20 Q And so would Joaquin?

21 A Correct.

22 Q And then Smiley was the one who generated  
23 this document?

24 A I want to say Union Pacific created it for  
25 him. Smiley gave them the names and the numbers and

1 then they created it.

2 Q Did Smiley have an office anyplace?

3 A No. He worked with Union Pacific, so I'm  
4 sure he might have had an office there, you know,  
5 to --

6 Q And he had worked with Union Pacific or he  
7 had -- he knew Mr. Kahre before the contract between  
8 Bravo and Union Pacific?

9 A Correct.

10 Q So your signature appears on this document.  
11 At some point in time you would get this document as  
12 it exists right now, as we're looking at it right now,  
13 correct?

14 A Correct.

15 Q And that would come from whom?

16 A Union Pacific would fax it to Mona.

17 Q All right. And then what's the next step in  
18 the process? Mona gets the document, and what does  
19 she do with it?

20 A She brings it to me, and I check to make  
21 sure the total amount adds up to what they had told me  
22 they were going to turn in --

23 Q And when you say --

24 A -- for that week.

25 Q When you say "they," you mean the individual

1 group leaders?

2 A Joaquin, Smiley and Andres, correct.

3 Q All right. And if I look at the bottom  
4 left-hand corner of the page there's a subtotal, and  
5 on this particular document it's \$10,217.

6 A Correct.

7 Q Correct? And then there's another amount  
8 that -- is it BRD, an abbreviation?

9 A It's an abbreviation for burden.

10 Q Burden? And what's a burden?

11 A That's for the payroll taxes, the Workman's  
12 Comp, the office personnel to, you know, create this,  
13 the checks or whatever they're doing to pay the  
14 employees.

15 Q And who calculated the amount of the burden?

16 A I want to say there was a percentage that --  
17 per the dollar amount, for the total dollar amount of  
18 the labor there was a percentage that the burden is.  
19 Then on some of these, I don't know if I saw them.  
20 Let me see.

21 And Mona would check the burden amount to  
22 make sure it was correct and then I'd sign off on it.

23 So it's not saying what the burden  
24 percentage is.

25 Q Was that percentage spelled out in the

# Exhibit B

1 IN THE UNITED STATES BANKRUPTCY COURT  
2 FOR THE DISTRICT OF NEVADA

3  
4 In re:

5 THE RHODES COMPANIES, LLC, aka  
6 Rhodes Homes, et al.,

7 BK-S-09-14814 LBR

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12 Debtors.

13 DEPOSITION OF JAMES GARNER

14 Las Vegas, Nevada

15 Wednesday, January 18, 2012

16  
17  
18 Volume I

19 Reported by:

20 ALLYSON W. HARRIS

21 NV CCR No. 740

22 Job No. 130614B

23 PAGES 1 - 42

1 Las Vegas, Nevada, Wednesday, January 18, 2012

10:50 a.m.

4 JAMES GARNER,

5 having been administered an oath, was examined and  
6 testified as follows:

7

## EXAMINATION

9 BY MS. LOWE:

10 Q Okay. This is -- my name is Virginia Lowe  
11 and this is the deposition of James Garner in the  
12 Rhodes Companies bankruptcy action.

13                   And, Mr. Garner, could you spell your name  
14                   for the record, please?

15 A J-a-m-e-s, G-a-r-n-e-r.

16 O Okay. And can you tell us your address?

17 A 4670 Hoeker Way, Las Vegas, Nevada 89147.

18 Q Okay. And have you ever had your deposition  
19 taken before?

20 A Yes.

21 Q Okay. And when was that?

22 A couple times years ago for construction  
23 defect stuff.

24 Q Okay. And so you know that everything you  
25 say is -- you're testifying under oath and that you

1           A     And the crew leaders basically were in  
2 charge of, say, if the job foreman walked the house  
3 and there was items that the crew had left incomplete  
4 that needed to get taken care of, the job foreman  
5 would call the crew leader and they were responsible  
6 to get somebody there to finish the job and/or fix  
7 something that the crews had done wrong.

8           Q     Okay.

9           A     So it was basically like they were in charge  
10 of all those crews and they had to get it taken care  
11 of.

12          Q     Okay. So when you said you were a job  
13 foreman, so you had some crew leaders that you dealt  
14 with also when you were a job foreman?

15          A     Yes.

16          Q     Okay. So then if you found a problem,  
17 instead of going to the individual workers, you would  
18 go to the crew leader and say "This needs to be  
19 fixed"?

20          A     Right.

21          Q     Okay. And then the crew leader, then, would  
22 have the individuals working fix -- or rectify  
23 whatever was needed to be --

24          A     Whoever had done it or --

25          Q     Okay.

1 A -- they would send somebody else to fix it,  
2 yeah.

3 Q Okay. And these people were all at the time  
4 working for Bravo?

5 A Yes.

6 Q Okay, okay.

7 So you said there was a meeting in the  
8 office involving all these individuals. Do you -- and  
9 you were at this meeting, and do you recall what was  
10 discussed at the meeting?

11 A Basically they just -- we were told that it  
12 was going to be like a payroll service to where those  
13 crew leaders would just be paid through the payroll  
14 service.

15 Q Whose payroll service?

16 A Robert Kahre and George, Big George.

17 Q Okay.

18 A And the meeting was basically that as far as  
19 if somebody got hurt, because the crew leaders weren't  
20 always on the job site, so if somebody got hurt from  
21 their crews, you know, you'd have to call the crew  
22 leader and let them know and just what to do about  
23 that.

24 Q Okay, okay.

25 And do you know how long the meeting lasted?

1 A I don't remember for sure. It wasn't very  
2 long, though.

3 Q Okay. So who was -- you said that the crew  
4 leader had to contact somebody else if somebody was  
5 hurt at the job site. And do you know --

6 A The foreman would.

7 Q Okay. Oh, the foreman. And who was that --

8 A Would contact the crew leader.

9 Q Okay. And who was that that they had to  
10 contact? Was it somebody in Robert Kahre's office  
11 or --

12 A I don't know who the crew leader would talk  
13 to after the -- if the foreman called the crew leader.

14 Q Okay.

15 A That was the extent of what we knew about  
16 it.

17 Q Okay. And do you remember if there was  
18 anything else discussed at the meeting?

19 A No, not really. I think just the insurance  
20 and then the payroll would be done through them.

21 Q When you say "them," who do you mean?

22 A Through Robert Kahre.

23 Q Oh, okay, okay.

24 And do you know the name of the company that  
25 he ran, Robert Kahre's company?

1 A Union Pacific, yeah.

2 Q Okay. And so the payroll was going to be  
3 run through Union Pacific?

4 A I believe that's what the name of it was,  
5 yes.

6 Q Okay. And was there any -- after this --  
7 did there -- was there a reason given for the --  
8 having Mr. Kahre's company take over a portion of the  
9 payroll?

10 A I would say the reason that I remember it  
11 being was a lot to do with the insurance, and as far  
12 as -- yeah, I guess just the insurance.

13 Q Okay.

14 A And the -- for the crew leader, the crews.

15 Q Okay. So I take it these were the crew  
16 leaders -- you've named Ismael Curiel, Andres Nunez  
17 and Joaquin Barrajas as the crew leaders.

18 A Right.

19 Q And so was it just their crews that were  
20 going to be serviced by the Kahre payroll service  
21 company or the Kahre payroll?

22 A Yes.

23 Q Okay.

24 A I believe so.

25 Q And there was other crews, though, leaders

# Exhibit C

1 IN THE UNITED STATES BANKRUPTCY COURT  
2 FOR THE DISTRICT OF NEVADA  
3

4 In re:

5 THE RHODES COMPANIES, LLC, aka  
6 Rhodes Homes, et al.,

7 BK-S-09-14814 LBR  
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DEPOSITION OF MARLENE MARCUS

Las Vegas, Nevada

Wednesday, January 18, 2012

Volume I

Reported by:

ALLYSON W. HARRIS

NV CCR No. 740

Job No. 130614

PAGES 1 - 30

1 Las Vegas, Nevada, Wednesday, January 18, 2012

2 1:50 p.m.

3

4 MARLENE MARCUS,

5 having been administered an oath, was examined and  
6 testified as follows:

7

8 EXAMINATION

9 BY MS. LOWE:

10 Q Okay. This is the deposition of  
11 Marlene Marcus, and my name is Virginia Lowe and I  
12 represent the United States in this litigation, and  
13 Justin Bell is appearing by telephone, representing  
14 the reorganized debtors.

15 And, Ms. Marcus, could you spell your full  
16 name for the record, please?

17 A My first name is M-a-r-l-e-n-e. My last  
18 name is M-a-r-c-u-s.

19 Q Okay. And can you give us your address,  
20 please?

21 A 1109 Sulphur Springs Lane, Unit 101,  
22 Las Vegas, Nevada 89128.

23 Q And can you give us your telephone number,  
24 please?

25 A Area code (702) 804-1490.

1 A I think there were different foremans.

2 Q Okay.

3 A I don't think it was one particular  
4 foreman.

5 Q Okay. So these were Bravo foremen?

6 A Yes.

7 Q Okay. And they would bring in the time  
8 sheets.

9 A (Nods head up and down.)

10 Q And then who would create this spreadsheet  
11 here, this listing of workers?

12 A Union Pacific.

13 Q Okay. And then do you know that for a fact  
14 or do you --

15 A As far as my memory goes. You know, it's  
16 been over six years and it's kind of hazy.

17 Q Okay, okay.

18 Now, do you know who this Smiley is on here?

19 A He was the head of that group.

20 Q Okay.

21 A But he was also a Union Pacific. He wasn't  
22 our employee.

23 Q Okay. And what about --

24 A There was a time when he did become an  
25 employee after we stopped using Union Pacific.

# Exhibit D

1 IN THE UNITED STATES BANKRUPTCY COURT  
2 FOR THE DISTRICT OF NEVADA  
3

4 In re:

5 THE RHODES COMPANIES, LLC, aka  
6 Rhodes Homes, et al.,

7 BK-S-09-14814 LBR  
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DEPOSITION OF PAMELA GARNER

Las Vegas, Nevada

Wednesday, January 18, 2012

Volume I

Reported by:

ALLYSON W. HARRIS

NV CCR No. 740

Job No. 130614A

PAGES 1 - 54

1 Las Vegas, Nevada, Wednesday, January 18, 2012

2 8:57 a.m.

3

4 PAMELA GARNER,

5 having been administered an oath, was examined and  
6 testified as follows:

7

8 EXAMINATION

9 BY MS. LOWE:

10 Q Okay. We're here for the deposition of  
11 Pamela Garner.

12 And can you spell your name for the record,  
13 please?

14 A First and last?

15 Q Yes, please.

16 A P-a-m-e-l-a, last name G-a-r-n-e-r.

17 Q Okay. And can you tell me your address,  
18 please?

19 A 4670 Hoeker Way, Las Vegas, Nevada 89147.

20 Q Okay. And what's your telephone number?

21 A 629-2289. That's my home number. If you  
22 want my . . .

23 Q No, that's fine. And that's 702 area code?

24 A Yes.

25 Q And have you ever had your deposition taken

1 maintenance type, keeping things running?

2 A Yes, that's a really good description of  
3 it.

4 Q Okay. And then what about would the  
5 workers, would they have any type of special  
6 deductions from their payroll for any type of  
7 equipment or any type of --

8 A That's a good question. If they filled out  
9 the paperwork and signed it, like if they wanted the  
10 company to buy them a new nail gun or something like  
11 that, they would be -- with Dirk and the foreman they  
12 would determine, you know, which one they wanted, the  
13 cost of it, and how many deductions it would be out of  
14 their paycheck.

15 Q Okay.

16 A But they would have to sign it and it would  
17 be put into their personnel folder.

18 Q Okay. And so that -- and so then was that  
19 expense deducted from their paycheck?

20 A Yes.

21 Q Okay. And it would be over a number of  
22 paychecks --

23 A Uh-hmm.

24 Q -- is that how you generally did it?

25 A It depends on the cost of the particular

1 tool. I mean --

2 Q Okay.

3 A -- it could be one paycheck if it was just  
4 like a hammer, but if it was something more expensive  
5 like a nail gun or -- and I can't even think of tools  
6 now, but a nail gun would be like a \$300 item.

7 Q Okay, okay.

8 So in general, then, they at the end would  
9 own this type of tool.

10 A Right.

11 Q Okay, okay.

12 And then can you tell me a little bit about  
13 the work force in general? Was it pretty steady or  
14 was it usually the same people, do you know, or . . .

15 A A lot of the same people. It would just  
16 depend, because construction fluctuates -- back then  
17 it would fluctuate a lot and we could get a lot of  
18 houses that we needed to build and they needed to  
19 scramble to find people to fill those positions to  
20 get -- to keep up with the production.

21 Q Yes.

22 A In the wintertime it would slow down so some  
23 guys would have to go and find other work for the  
24 winter.

25 Did we have a core crew? I would say that

1 out, what we could -- what we needed to bill out, and  
2 we'd just go and say, okay to payables, whoever that  
3 was at the time bill, you know, pay this and, you  
4 know, for me to bill out so much.

5 Q Okay, okay.

6 So it was your understanding these people  
7 were being -- Bravo was determining that these people  
8 performed duties and this is how much they should be  
9 paid?

10 A Uh-hmm.

11 Q And then the money would be sent to UPC for  
12 the payment of their wages?

13 MR. QURESHI: Object to the form.

14 THE WITNESS: I'm sorry?

15 MS. LOWE: He's just making an objection as  
16 to form.

17 THE WITNESS: Oh, okay.

18 BY MS. LOWE:

19 Q Well, let's go over it one by one.

20 These people that are listed on this sheet,  
21 this second page here, Bravo, Inc. sheet 0248, again  
22 you prepared this document?

23 A I would figure.

24 Q Okay.

25 A I don't --

1 Q Well, you testified before you got the  
2 information from the foremen that these people needed  
3 to be paid for their work.

4 A Right.

5 Q Okay.

6 A Uh-hmm -- no, I --

7 MR. QURESHI: Object to the form.

8 THE WITNESS: Yeah, I would divvy the money  
9 up between the guys, yes.

10 BY MS. LOWE:

11 Q Okay, okay. And the foremen would bring you  
12 that information?

13 A Uh-hmm.

14 Q Okay. And then you would determine how much  
15 would be paid to each individual based on the pot of  
16 money that you were informed of?

17 A Right.

18 Q Okay, okay.

19 And then these individuals, then, were  
20 performing work for Bravo; is that correct?

21 A As far as I know, yes.

22 Q Okay. And then so before it appeared -- so  
23 when you -- you wrote this note, okay, "Laurie, the  
24 check will be ready tomorrow p.m." How did this  
25 information then get to Laurie?

1 a few questions.

2 EXAMINATION

3 BY MR. QURESHI:

4 Q Again, Miss Garner, it's Abid Qureshi here  
5 on behalf of the reorganized debtor.

6 A Okay.

7 Q Just a couple of quick questions. You  
8 testified in response to a question from Ms. Lowe that  
9 you were told that UPC was helping Bravo with its  
10 payroll, and my question for you is if you can tell me  
11 by whom you were told that?

12 A It would have either been Mona Wilcox or  
13 Dirk Griffith.

14 Q Now, did you at the time have any  
15 understanding of the business in which Union Pacific  
16 Construction was engaged?

17 A No. It was just, you know, I'm told to do  
18 something, so I just do what I'm told.

19 Q Okay. You also testified in response to a  
20 question from Ms. Lowe concerning the exhibit that you  
21 have in front of you --

22 A Uh-huh.

23 Q -- that I believe it was Smiley's crew would  
24 work for lots of different companies and not just for  
25 Bravo, correct?